

---

By: **Senator Harris**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2                           **Alcohol- or Drug-Related Crimes - Prohibitions Against Causing Serious**  
3                           **Physical Injury**

4 FOR the purpose of changing certain alcohol- or drug-related crimes from certain  
5 prohibitions against causing a life-threatening injury to another person to  
6 certain prohibitions against causing serious physical injury to another person;  
7 providing for certain penalties; making conforming changes; and generally  
8 relating to establishing certain criminal prohibitions against causing a serious  
9 physical injury to another person under certain circumstances.

10 BY repealing and reenacting, without amendments,  
11 Article - Criminal Law  
12 Section 3-201(c)  
13 Annotated Code of Maryland  
14 (2002 Volume)

15 BY repealing and reenacting, with amendments,  
16 Article - Criminal Law  
17 Section 3-211(c), (d), (e), and (f) and 3-212  
18 Annotated Code of Maryland  
19 (2002 Volume)

20 BY repealing and reenacting, with amendments,  
21 Article - Transportation  
22 Section 16-205.1(c)(1) and 16-402(a)(32)  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

**Article - Criminal Law**

1 3-201.

2 (c) "Serious physical injury" means physical injury that:

3 (1) creates a substantial risk of death; or

4 (2) causes permanent or protracted serious:

5 (i) disfigurement;

6 (ii) loss of the function of any bodily member or organ; or

7 (iii) impairment of the function of any bodily member or organ.

8 3-211.

9 (c) (1) A person may not cause a [life-threatening] SERIOUS PHYSICAL  
10 injury to another as a result of the person's negligently driving, operating, or  
11 controlling a motor vehicle or vessel while the person is:

12 (i) under the influence of alcohol; or

13 (ii) under the influence of alcohol per se.

14 (2) A violation of this subsection is [life-threatening] SERIOUS  
15 PHYSICAL injury by motor vehicle or vessel while:

16 (i) under the influence of alcohol; or

17 (ii) under the influence of alcohol per se.

18 (3) A person who violates this subsection is guilty of a misdemeanor and  
19 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
20 \$5,000 or both.

21 (d) (1) A person may not cause a [life-threatening] SERIOUS PHYSICAL  
22 injury to another as a result of the person's negligently driving, operating, or  
23 controlling a motor vehicle or vessel while the person is impaired by alcohol.

24 (2) A violation of this subsection is [life-threatening] SERIOUS  
25 PHYSICAL injury by motor vehicle or vessel while impaired by alcohol.

26 (3) A person who violates this subsection is guilty of a misdemeanor and  
27 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding  
28 \$3,000 or both.

29 (e) (1) A person may not cause a [life-threatening] SERIOUS PHYSICAL  
30 injury to another as a result of the person's negligently driving, operating, or  
31 controlling a motor vehicle or vessel while the person is so far impaired by a drug, a  
32

1 combination of drugs, or a combination of one or more drugs and alcohol that the  
2 person cannot drive, operate, or control a motor vehicle or vessel safely.

3 (2) A violation of this subsection is [life-threatening] SERIOUS  
4 PHYSICAL injury by motor vehicle or vessel while impaired by drugs.

5 (3) A person who violates this subsection is guilty of a misdemeanor and  
6 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding  
7 \$3,000 or both.

8 (f) (1) This subsection does not apply to a person who is entitled to use the  
9 controlled dangerous substance under the laws of the State.

10 (2) A person may not cause a [life-threatening] SERIOUS PHYSICAL  
11 injury to another as a result of the person's negligently driving, operating, or  
12 controlling a motor vehicle or vessel while the person is impaired by a controlled  
13 dangerous substance as defined in § 5-101 of this article.

14 (3) A violation of this subsection is [life-threatening] SERIOUS  
15 PHYSICAL injury by motor vehicle or vessel while impaired by a controlled dangerous  
16 substance.

17 (4) A person who violates this subsection is guilty of a misdemeanor and  
18 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding  
19 \$3,000 or both.

20 3-212.

21 (a) An indictment, information, or other charging document for a crime  
22 described in § 3-211 of this subtitle is sufficient if it substantially states:

23 (1) "(name of defendant) on (date) in (county) caused a  
24 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while under the  
25 influence of alcohol, in violation of § 3-211(c)(1)(i) of the Criminal Law Article against  
26 the peace, government, and dignity of the State.";

27 (2) "(name of defendant) on (date) in (county) caused a  
28 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while under the  
29 influence of alcohol per se, in violation of § 3-211(c)(1)(ii) of the Criminal Law Article  
30 against the peace, government, and dignity of the State.";

31 (3) "(name of defendant) on (date) in (county) caused a  
32 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while impaired by  
33 alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace,  
34 government, and dignity of the State.";

35 (4) "(name of defendant) on (date) in (county) caused a  
36 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while impaired by  
37 drugs, in violation of § 3-211(e) of the Criminal Law Article against the peace,  
38 government, and dignity of the State."; or

1 (5) "(name of defendant) on (date) in (county) caused a  
2 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while impaired by a  
3 controlled dangerous substance, in violation of § 3-211(f) of the Criminal Law Article  
4 against the peace, government, and dignity of the State."

5 (b) An indictment, information, or other charging document for a crime  
6 described in § 3-211 of this subtitle need not set forth the manner or means of the  
7 [life-threatening] SERIOUS PHYSICAL injury.

8 **Article - Transportation**

9 16-205.1.

10 (c) (1) If a person is involved in a motor vehicle accident that results in the  
11 death of, or a [life threatening] SERIOUS PHYSICAL injury to, another person and the  
12 person is detained by a police officer who has reasonable grounds to believe that the  
13 person has been driving or attempting to drive while under the influence of alcohol,  
14 while impaired by alcohol, while so far impaired by any drug, any combination of  
15 drugs, or a combination of one or more drugs and alcohol that the person could not  
16 drive a vehicle safely, while impaired by a controlled dangerous substance, or in  
17 violation of § 16-813 of this title, the person shall be required to submit to a test, as  
18 directed by the officer.

19 16-402.

20 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
21 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of  
22 this State or of any local authority, points shall be assessed against the individual as  
23 of the date of violation and as follows:

24 (32) Homicide, [life threatening] SERIOUS PHYSICAL injury under §  
25 3-211 of the Criminal Law Article, or assault committed by means of a  
26 vehicle ..... 12 points

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2003.